Calcutta High Court in B. M. Gupta vs. State of West Bengal and others (1979 I LLJ 168) that if the condition precedent for an order of retranchment under S 25F are not fulfilled, the order of retrenchment is not effect at all; and the same is void ab-initio and the relationship between the employer and the employee is not affected by such void retrenchment order and employee continues to be in service despite the purported order of retrenchment.

10. In this case, as noted above, no notice or wages in lieu of notice nor any compensation as required by the mandatory provisions of sec 25F(a) and (b) having not been given by the II party-management to the I party workman before or at the time of termination the termination itself is void, illegal and abinitio and the relationship of employer and employee between them still subsists and continues. Therefore, the I Party workman, has to be deemed to be still in the continuous service of the II Party-Board. He is entitled to all the benefits flowing from this continuous service.

11. However, as regards the back wages it may be seen that the Reference was made in 1973 and is being disposed of in 1979. This long delay is due to the fact that the Reference was kept pending awaiting the decision of the Supreme Court on the question as to whether the II Party-Board is or is not an industry and to the fact that the reference was once transferred to Labour Court, Hubli and again transferred back to this Court. The delay therefore cannot be wholly attributed to the II Party-board. Considering all these aspects, I feel that the back wages to which the I Party is entitled to should be restricted to 75% only.

12. In the result, I hold that the II Party-Board was not justified in terminating the services of Sri Sreeranga, Peon with effect from 8th July 1972. The I Party workman, Sri Sreeranga is entitled to the relief of reinstatement with back wages at 75% and continuity of service and consequential benefits. An Award is passed accordingly. The parties are to bear their own costs.

Sd/-
M. R. Mujumdar,
Presiding Officer
Labour Court, Bangalore

Order No. SWL 222 LLA 79

Bangalore, dated 25th July 1979.

WHEREAS by State Government Order No. SWL 214 LLD 73 dated 5th July 1973 the Industrial dispute between the workmen and the management of Bangalore Water Supply & Sewerage Board M.G.I.D. Building (Annex), Bangalore-1 was referred to the Labour Court, Bangalore for adjudication;

AND WHEREAS the Presiding Officer, Labour Court, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette*.

By Order and in the name of the Governor of Karnataka,

J. PILLAPPA,
Desk Officer,
Social Welfare and Labour Department
(Labour-A).

1668-S.O 2150

Order No. SWL 549 LLD 79.

Bangalore, dated 17th/21st August 1979.

Whereas the Government of Karnataka are of opinion that an Industrial Dispute exists between the workmen and the management of M/s. GECO Engineering Company (Private) Ltd, Government Industrial Estate, Baikhampadi, Mangalore-10 on the points noted below;

And whereas the Government of Karnataka consider it desirable to refer the dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), the Government of Karnataka hereby refer the said dispute for adjudication to the Labour Court at Mangalore.

Points of Dispute

"I. Is the management justified in refusing employment to Sri S. H. Krishnappa, Mechanic, with effect from 28th July 1978?

II. If not, to what relief(s) the said workman is entitled?"

By Order and in the name of the Governor of Karnataka,

J. PHLAPPA,
Desk Officer (Labour 'A' Section),
Social Welfare and Labour Department.

1770 S.O 2151